

EXHIBIT A-1



Brandon Callier <bcallier13@gmail.com>

Information

2 messages

Brandon Callier <bcallier13@gmail.com>

Sun, May 28, 2023 at 5:03 PM

To: customercare@powur.com, compliance@powur.com

I have received at least twenty-five (25) unsolicited telemarketing phone calls by, and on behalf of, your company. These phone calls were made in violation of the Telephone Consumer Protection Act (TCPA) § 227(c), because my phone number has been on the National Do Not Call Registry (DNC) since December 2007 (attached). The phone calls were made to my phone number 915-383-4604.

I am writing in hopes of resolving this issue without the need to file a lawsuit and incur unnecessary legal costs. Please take this email as a serious attempt to resolve this matter. If you search my last name and TCPA ("Callier TCPA") you will discover that I have filed nearly 100 TCPA lawsuits over the past couple of years. I take my right to privacy very seriously and will defend it vigorously.

I received a series of phone calls from an off-shore Pakistani tele-marketer, attempting to set an appointment for solar. I eventually grew tired of the phone calls and set an appointment with the Pakistani tele-marketer. Your representative called me to confirm the appointment and then engaged me in a virtual appointment to solicit me for solar panels. This telemarketer is offshore and you are liable for their do not call list violating phone calls.

As of today, the following violations have been committed:

25 phone calls in violation of 227(c) @ \$500 per call = \$12,500

The phone calls in violation of 227(c) increase to \$1,500 per call if your company is found to have committed a knowing and willful violation.

At a minimum, the phone calls are worth \$12,500 and possibly up to \$37,500 if the violations are deemed to be knowing and willful.

I am willing to settle the above for [REDACTED] in lieu of having to file suit and litigate this matter in court. Please contact me via email within five (5) business days if you have an interest in discussing a resolution. I will file suit within the next 10 business days if I do not hear from you.

Thank you,

Brandon Callier
915-383-4604



Sender notified by
Mailtrack

2 attachments

Powur PBC Call Log.docx
19K



National Do Not Call Registration Verification 915-383-4604.pdf
51K

Mailtrack Reminder <reminders@mailtrack.io>Mon, May 29, 2023 at 5:03 PM
Callier Appendix -9



Brandon Callier <callier74@gmail.com>

Additional Phone Calls

14 messages

Brandon Callier <callier74@gmail.com>
To: James Carlson <jim@kr.law>

Fri, Aug 25, 2023 at 5:32 PM

Mr. Carlson,

I was called twice today by the same Pakistani telemarketer. The first call did not connect. He called right back and then connected me to Derrick El. This is the same Derrick that I spoke to from Power that is listed in my Complaint.

I was live transferred to Derrick on the phone call. The telemarketer called me, and I answered, he said "I have a solar representative on the line waiting to speak to you, please hold," and then he live transferred me to Derrick.

The calls were as follows:

August 25, 2023, 3:43 PM - 8-second call that did not connect.

August 25, 2023. 3:46 PM - 5 mins 36 call in which I was live transferred to "Derrick." We spoke about our previous conversation.

Powur was on full notice that I did not want the calls. Powur has been on notice about the Pakistani telemarketer for months now and has done nothing to stop the phone calls and continues to accept transfers from the Pakistani telemarketer. Powur has had at least three appointments with me set by the Pakistani telemarketer since I first contacted Powur about the phone calls.

Thank you,

Brandon Callier
915-383-4604

Mailtrack Reminder <reminders@mailtrack.io>
Reply-To: jim@kr.law
To: callier74@gmail.com

Sat, Aug 26, 2023 at 5:32 PM

Your email to jim@kr.law has not been opened yet. Snooze for [24H](#), [48H](#) or [72H \(disable\)](#)

James Carlson <jim@kr.law>
To: Brandon Callier <callier74@gmail.com>

Mon, Aug 28, 2023 at 8:29 AM

Mr. Callier,

I relayed this information to Powur. Just to give some background, my understanding is that Powur itself does make outbound telemarketing phone calls and does not enlist telemarketing or lead-generation companies to make telemarketing calls. Please do let me know if you are contacted again by others claiming to be affiliated with Powur.

Thank you and best regards,

-James

James D. Carlson

ASSOCIATE

KRONENBERGER ROSENFELD, LLP

150 Post Street, Ste 520 San Francisco, CA 94108

Phone: (415) 955-1155 Ext. 136

Admitted to practice in Arizona

jim@kr.law

www.kr.law

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[Quoted text hidden]

Brandon Callier <callier74@gmail.com>
To: James Carlson <jim@kr.law>

Mon, Aug 28, 2023 at 9:59 AM

Two of the agents/contractors/employees who contacted me had Powur email extensions. Each of the (I believe 4 at this point) agents sent me contracts from Powur.

Powur has been accused of this very thing previously and I am aware of ongoing litigation. Powur is aware of what their authorized agents are doing and are allowing it. Powur is also allowing these agents to do so while marketing the Powur name, image, likeness. Powur even supplies them with Powur email extensions.

I look forward to a speedy resolution to this matter. If not, I intend to seek the services of my class action attorney, Chris Miltenberger, for the prosecution of this matter.

Thank you,

Brandon Callier
[Quoted text hidden]

4 attachments



image001.png
2K



image002.png
3K



image001.png
2K



image002.png
3K

Mailtrack Notification <notification@mailtrack.io>

Mon, Aug 28, 2023 at 9:59 AM

Reply-To: jim@kr.law

To: callier74@gmail.com

Hot conversation: James Carlson opened it many times in a short period or forwarded it. [View all 6 opens](#) | [turn off hot conversations](#)

James Carlson <jim@kr.law>

Tue, Sep 5, 2023 at 12:36 PM

To: Brandon Callier <callier74@gmail.com>

Mr. Callier,

You mentioned the services of a class action attorney below. May I confirm that you are not represented by counsel in the lawsuit we've been corresponding about? If you are, please provide me with your attorney's name and contact information so that I may correspond directly with them.

Many thanks,

-Jim

[Quoted text hidden]

Brandon Callier <callier74@gmail.com>

Tue, Sep 5, 2023 at 12:46 PM

To: James Carlson <jim@kr.law>

Mr. Carlson,

I work with Chris Miltenberger on some cases. This is not one of those cases. If it becomes necessary I will refer the case to him and see if he wants to take it as a class action. However, at this point in time, I am representing myself, and you should continue to correspond directly with me.

Thank you,

Brandon Callier

[Quoted text hidden]

4 attachments



image001.png
2K



image002.png
3K



image001.png
2K



image002.png
3K

Mailtrack Reminder <reminders@mailtrack.io>
Reply-To: jim@kr.law
To: callier74@gmail.com

Wed, Sep 6, 2023 at 12:46 PM

[Quoted text hidden]

James Carlson <jim@kr.law>
To: Brandon Callier <callier74@gmail.com>

Fri, Sep 8, 2023 at 11:54 AM

Confidential Settlement Communication Pursuant to FRE 408 and State Analogs

Greetings Mr. Callier,

Thanks so much, this is exactly the information I needed.

Regarding the additional calls you mentioned in your Aug. 20 and Aug. 25 emails, are those calls coming from the number listed in your Complaint (862-362-5001)? If so, my investigation revealed that a person can call that number and select 9 to be placed on the do not call list associated with that number.

I'll discuss your settlement offer to my client point-of-contact, who I will be speaking with shortly.

Thanks again and best regards,

[Quoted text hidden]

Brandon Callier <callier74@gmail.com>
To: James Carlson <jim@kr.law>

Fri, Sep 8, 2023 at 12:07 PM

I have not called that number and have no reason to call that number. I have no way of knowing what happens when that number is called. I refrain from calling numbers because I do not want to be accused of calling a number to bait someone into calling me back.

Yes, the phone calls came from the same telemarketer using the same phone number.

There is also an additional problem. I received a series of phone calls from yet another Pakistani telemarketer. I finally answered the phone a couple of days ago and he connected me to yet another person selling Powur solar panels. This is

now the sixth Powur representative since I made my initial complaint to Powur back in May.

I will get the details over to you shortly. If this drags on and we are unable to reach an agreement, I will be amending my Complaint to add in the additional calls and seeking compensation for those as well.

Thank you,

Brandon Callier
915-383-4604

[Quoted text hidden]

8 attachments

image001.gif
1K



image002.png
2K



image003.png
3K

image001.gif
1K

 **image002.png**
2K


 **image001.gif**
1K



image003.png
3K

image001.gif
1K

Brandon Callier <callier74@gmail.com>
To: James Carlson <jim@kr.law>

Fri, Sep 8, 2023 at 1:16 PM

Mr Carlson,

I want to decrease thar possibility that your client makes an insulting offer to me.

If your client makes an insulting offer I will shut down any negotiations until after we get past discovery and to the summary judgment phase.

Thank you,

Brandon Callier
[Quoted te t hidden]

James Carlson <jim@kr.law>
To: Brandon Callier <callier74@gmail.com>

000307

Mon, Dec 11, 2023 at 11:32 AM
Callier Appendix -14

Confidential Settlement Communication Pursuant to Federal Rule of Evidence 408 and State Analogs

Greetings Mr. Callier,

I hope this email finds you well. Please see the attached correspondence.

Thank you and best regards,

-Jim

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

On Fri, Sep 8, 2023 at 11:54 AM James Carlson <jim@kr.law> wrote:

Confidential Settlement Communication Pursuant to FRE 408 and State Analogs

Greetings Mr. Callier,

Thanks so much, this is exactly the information I needed.

Regarding the additional calls you mentioned in your Aug. 20 and Aug. 25 emails, are those calls coming from the number listed in your Complaint (862-362-5001)? If so, my investigation revealed that a person can call that number and select 9 to be placed on the do not call list associated with that number.

I'll discuss your settlement offer to my client point-of-contact, who I will be speaking with shortly.

Thanks again and best regards,

-Jim

James D. Carlson

ASSOCIATE

KRONENBERGER ROSENFELD, LLP

150 Post Street, Ste 520 San Francisco, CA 94108

Phone: (415) 955-1155 Ext. 136

Admitted to practice in Arizona

jim@kr.law

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From: Brandon Callier <callier74@gmail.com>
Sent: Tuesday, September 5, 2023 11:47 AM
To: James Carlson <jim@kr.law>
Subject: Re: Additional Phone Calls

Mr. Carlson,

I work with Chris Miltenberger on some cases. This is not one of those cases. If it becomes necessary I will refer the case to him and see if he wants to take it as a class action. However, at this point in time, I am representing myself, and you should continue to correspond directly with me.

Thank you,

Brandon Callier

On Tue, Sep 5, 2023 at 12:37 PM James Carlson <jim@kr.law> wrote:

Mr. Callier,

You mentioned the services of a class action attorney below. May I confirm that you are not represented by counsel in the lawsuit we've been corresponding about? If you are, please provide me with your attorney's name and contact information so that I may correspond directly with them.

Many thanks,

-Jim

James D. Carlson

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[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

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[Quoted text hidden]



Rule 408 Settlement Communication - B. Callier (SENT 12.11.23).pdf
126K

Brandon Callier <callier74@gmail.com>
To: James Carlson <jim@kr.law>

Tue, Dec 12, 2023 at 10:42 AM

Mr. Carlson,

Thank you for the email. I obviously disagree about the liability of Powur for the actions of the authorized Powur dealers. These dealers hired the same telemarketer to solicit phone calls on their behalf. My argument is they (the dealers) are the agents of Powur and the call center is Powur's subagent. There is precedent in this Court for holding such a finding.

I have not viewed Powur's records, had the opportunity to depose the agents, or been provided a single piece of evidence that would allow me to ascertain the relationship between the call centers, the Powur agents, and Powur. I would be happy to readdress the calls in Table A and Table B once we get to the summary judgment phase. However, at this point, it is premature to be discussing moving for summary judgment on any claims. I will point this glaring point out to the Court should Powur move for summary judgment at this point. I have not had a single opportunity to prove my case and we are at the very beginning of Discovery.

Note: The numbering on Table C is faulty. The numbering starts over at one after call eleven. Furthermore, two calls (14 and 15) are mistakenly listed twice (I just noticed this as I was preparing a response). The total number of direct calls is 28 when accounting for the bad numbering and the duplicate calls.

Concerning the settlement offer, even if we are only addressing the calls in Table C, it seems a little short. I contacted Powur on May 28, 2023, and alerted them of the unwanted phone calls. Twenty-one (21) phone calls came in after Powur received this notification. These are knowing and willful violations. Powur was served with the Complaint on August 18, 2023, and on August 20, 2023, I alerted you of continuing unwanted phone calls. I received 13 phone calls in Table C after this second notification. On August 25, 2023, I sent you an email alerting you of contact by Derrick Grant. Grant contacted me an additional seven times after this notification. In short, the overwhelming majority of these phone calls took place after at least two (2) DNC requests, and some had as many as three (3) or four (4) DNC requests.

By my calculation:

[REDACTED]

[REDACTED] should be the beginning point of any settlement discussion. I am happy to settle the Table C claims separately for [REDACTED] 0. I am also open to a compromise settlement inclusive of the phone calls in Table A and Table B.

Thank you,

Brandon Callier

915-383-4604

[Quoted text hidden]

Mailtrack Notification <notification@mailtrack.io>

Tue, Dec 12, 2023 at 4:37 PM

Reply-To: jim@kr.law

To: callier74@gmail.com

Hot conversation: James Carlson opened it many times in a short period or forwarded it. [View all 10 opens](#) | [turn off hot conversations](#)



Brandon Callier <callier74@gmail.com>

Additional Powur Calls

10 messages

Brandon Callier <callier74@gmail.com>

Wed, Oct 11, 2023 at 2:39 PM

To: James Carlson <jim@kr.law>

Mr. Carlson,

I just got a call from Powur representative Eric Garcia. I also got phone calls from Powur representative Bobby Smith on Saturday. One other Powur representative has contacted me since I first notified you. I will get that to you also. I believe that is 8 different Powur representatives who have contacted me at this point.

Thank you,

Brandon Callier
915-383-4604

4 attachments**Bobby Smith Text 10072023.pdf**

452K

**Bobby Smith Phone Calls.pdf**

166K

**Eric Garcia Phone Call.pdf**

195K

**Gmail - Powur solar please send utility bill 10112023.pdf**

49K

Mailtrack Notification <notification@mailtrack.io>

Wed, Oct 11, 2023 at 5:12 PM

Reply-To: jim@kr.law

To: callier74@gmail.com

Hot conversation: James Carlson opened it many times in a short period or forwarded it. [View all 8 opens](#) | [turn off hot conversations](#)

Mailtrack Notification <notification@mailtrack.io>

Fri, Oct 13, 2023 at 12:39 PM

Reply-To: jim@kr.law

To: callier74@gmail.com

Hot conversation: James Carlson opened it many times in a short period or forwarded it. [View all 24 opens](#) | [turn off hot conversations](#)

James Carlson <jim@kr.law>

Fri, Oct 13, 2023 at 2:44 PM

To: Brandon Callier <callier74@gmail.com>

Greetings Mr. Callier,

Received, thank you for letting me know. I've spoken to my client about the information you provided. Please let me know if you are contacted again.

Sincerely,

-Jim

James D. Carlson

ASSOCIATE

KRONENBERGER ROSENFELD, LLP

150 Post Street, Ste 520 San Francisco, CA 94108

Phone: (415) 955-1155 Ext. 136

Admitted to practice in Arizona

jim@kr.law

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[Quoted text hidden]

Brandon Callier <callier74@gmail.com>

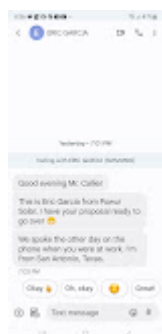
Sun, Oct 15, 2023 at 8:40 PM

To: James Carlson <jim@kr.law>

Got this today.

[Quoted text hidden]

5 attachments



Screenshot_20231015_203635_Messages.jpg
324K



image001.png
2K



image002.png
3K



image001.png
2K



image002.png
3K

Mailtrack Notification <notification@mailtrack.io>
Reply-To: jim@kr.law
To: callier74@gmail.com

Sun, Oct 15, 2023 at 8:47 PM

Hot conversation: James Carlson opened it many times in a short period or forwarded it. [View all 52 opens](#) | [turn off hot conversations](#)

James Carlson <jim@kr.law>
To: Brandon Callier <callier74@gmail.com>

Mon, Oct 16, 2023 at 11:17 AM

Mr. Callier,

Received, thank you. As before, please let me know if you are contacted again.

[Quoted text hidden]

Mailtrack Notification <notification@mailtrack.io>
Reply-To: jim@kr.law
To: callier74@gmail.com

Tue, Oct 17, 2023 at 4:52 PM

Hot conversation: James Carlson opened it many times in a short period or forwarded it. [View all 98 opens](#) | [turn off hot conversations](#)

Mailtrack Notification <notification@mailtrack.io>
Reply-To: jim@kr.law
To: callier74@gmail.com

Wed, Oct 18, 2023 at 6:28 PM

Hot conversation: James Carlson opened it many times in a short period or forwarded it. [View all 113 opens](#) | [turn off hot conversations](#)

Mailtrack Notification <notification@mailtrack.io>

Tue, Nov 7, 2023 at 5:23 PM

Reply-To: jim@kr.law

To: callier74@gmail.com

Hot conversation: James Carlson opened it many times in a short period or forwarded it. [View all 132 opens](#) | [turn off hot conversations](#)



Brandon Callier <callier74@gmail.com>

Two Additional Phone Calls

2 messages

Brandon Callier <callier74@gmail.com>

Tue, Jan 9, 2024 at 9:23 AM

To: James Carlson <jim@kr.law>, Karl Kronenberger <karl@kr.law>, Jasper Eagleton <Jasper@kr.law>

Mr. Carlson,

Please see the attached screenshots and solar proposal. I was flying back from Singapore on January 4, 2024. When I landed in San Francisco I took my phone off of airplane mode and received the text messages attached. In screenshot_20240109_085543_Messages Jamie Thompson 01042024 Ms. Thompson alluded to reaching out to me to confirm a 4 PM appointment. I had made no such appointment and had been on a 15-hour flight from Singapore directly prior to this message.

I suspect Ms. Thompson is getting leads from the same telemarketer that has been setting appointments for me (without my consent) for Powur representatives. Of course, that would have to be confirmed with Ms. Thompson.

I asked Ms. Thompson if she had reached out to me prior because she alluded to a phone call. She confirmed this phone call (it did not go through because I was on a flight). I kept the appointment to ensure Ms. Thompson would indeed deliver a proposal from Solar (attached.)

It appears that whatever source these Powur representatives are using to book appointments still has my phone number in their system and I continue to be called by people soliciting for Powur.

I am willing to settle the direct calls made by the Powur reps while we work through Powur's possible vicarious liability concerning the phone calls made by the third-party entity. I am also willing to engage in a compromise settlement that does not make Powur pay the full freight for the phone calls made by the offshore telemarketer.

Thank you,

Brandon Callier
915-383-4604

3 attachments

 **Screenshot_20240109_085543_Messages Jamie Thompson 01042024.pdf**
379K

 **Screenshot_20240109_085606_Message Jamie Thompson 01042024.pdf**
371K

 **Your Solar Proposal - Powur 01062024.pdf**
11630K

Mailtrack Notification <notification@mailtrack.io>

Tue, Jan 9, 2024 at 10:15 AM

Reply-To: jim@kr.law, karl@kr.law, jasper@kr.law

To: callier74@gmail.com

Hot conversation: James Carlson opened it many times in a short period or forwarded it. [View all 6 opens](#) | [turn off hot conversations](#)



Brandon Callier <callier74@gmail.com>

Solar Proposal - Brandon Callier

7 messages

Solar Proposal <noreply@gosolo.io>
To: Callier74@gmail.com

Sun, Aug 20, 2023 at 8:53 AM

Your proposal for Brandon Callier is ready!

[Click here to view your proposal](#)

Brandon Callier <callier74@gmail.com>
To: James Carlson <jim@kr.law>

Sun, Aug 20, 2023 at 7:51 PM

Mr. Carlson,

I have received an additional 23 phone calls that are not a part of my Complaint against Powur. These calls range from August 7, 2023, to the present day. They culminated in a Zoom meeting with Powur representative Derrick Grant and myself. During the meeting, Mr. Grant sent me the attached solar proposal from Powur.

To date, I have received at least 86 phone calls. Sixty-one of these phone calls were made AFTER Powur was alerted to the phone calls. Powur continues to accept appointments from the offshore telemarketer despite nearly three months to sever ties. Powur either does not maintain or refuses to enforce a do not call policy and do not call list.


My offer to settle this Complaint is [REDACTED]. I am fully prepared to take this to trial if necessary. Although I have yet to go to trial in any of my cases, I have taken multiple cases for nearly two years before reaching a settlement. I was prepared to go to trial in each of those cases.

Powur has been given multiple notices and opportunities to stop the offshore telemarketers from calling me and to sever ties with the offshore telemarketer for violating the TCPA. However, Powur has failed to do so and continues to accept appointments and referrals from the telemarketer.

Thank you,

Brandon Callier
915-383-4604

[Quoted text hidden]

 **371cea6b-b1ed-4a1a-b7fa-cffb88c7bb86.pdf**
4977K

James Carlson <jim@kr.law>
To: Brandon Callier <callier74@gmail.com>

Mon, Aug 21, 2023 at 3:25 PM

Good afternoon Mr. Callier,

Thank you for sending the attachment and settlement offer. I will relay this information to my client, and get back to you.

Separately, may I confirm that you received the executed waiver of service that I sent via email on Friday (Aug. 18) at 4:00 CST? Please let me know if you need me to resend it. Thanks so much.

Sincerely,

-Jim Carlson

James D. Carlson

ASSOCIATE

KRONENBERGER ROSENFELD, LLP

[150 Post Street, Ste 520 San Francisco, CA 94108](#)

Phone: (415) 955-1155 Ext. 136

Admitted to practice in Arizona

jim@kr.law

www.kr.law

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[Quoted text hidden]

Brandon Callier <callier74@gmail.com>
To: James Carlson <jim@kr.law>

Mon, Aug 21, 2023 at 3:32 PM

Received. Thank you.

[Quoted text hidden]

4 attachments



image001.png
2K



image002.png
3K



image002.png
3K



image001.png
2K

Mailtrack Notification <notification@mailtrack.io>

Mon, Aug 21, 2023 at 4:30 PM

Reply-To: jim@kr.law

To: callier74@gmail.com

Hot conversation: James Carlson opened it many times in a short period or forwarded it. [View all 6 opens](#) | [turn off hot conversations](#)

James Carlson <jim@kr.law>

Thu, Aug 24, 2023 at 12:58 PM

To: Brandon Callier <callier74@gmail.com>

Greetings Mr. Callier,

May I confirm that you intend to file the waiver of service that I previously sent? Please let me know at your earliest convenience.

Thank you and best regards,

-Jim

[Quoted text hidden]

Brandon Callier <callier74@gmail.com>

Thu, Aug 24, 2023 at 12:59 PM

To: James Carlson <jim@kr.law>

I will file it right now.

[Quoted text hidden]